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PATENT  
ATTORNEY DOCKET NO.: 044574-5045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: )  
Roland E. BARON *et al.* )  
Appln. No.: 09/939,709 ) Group Art Unit: 1632  
Filed: August 28, 2001 ) Examiner: Woitach, Joseph T.  
FOR: METHODS OF USING AGENTS THAT )  
MODULATE BONE FORMATION AND )  
INHIBIT ADIPOGENESIS )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT (FEE) TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated November 12, 2003.
2. Additional papers enclosed:

Executed Declaration of Georgios Sabatakos  
 ATCC On-Line Catalog (15 Pages)  
 PubMed Search Results (4 Pages)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$110.00

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	minus	32	5	x \$18/\$9 each=	\$ 90.00
Independent Claims (37 C.F.R. §1.16(b))	7	minus	8	0	x \$86/\$43 each=	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 90.00
Fee for <u>1</u> Month Extension of Time						\$ 110.00
Reduction by $\frac{1}{2}$ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 200.00

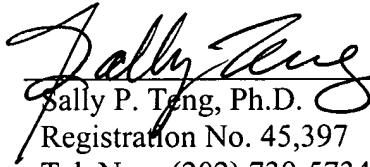
6. Fee Payment

- The Commissioner is hereby authorized to charge **\$200.00** to Deposit Account No. 50-0310 for Additional Claims Fee (\$90.00) and One-Month Extension of Time Fee (\$110.00).
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: March 11, 2004  
 Morgan Lewis & Bockius LLP  
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 SPT:mk

By:




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Commissioner for Patents

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**AMENDMENT UNDER 37 C.F.R. § 1.111**

This paper responds to the Office Action (Paper No. 17) dated November 12, 2003, time for response to which expired February 12, 2004. An extension of time of one month is filed concurrently, thereby extending the period of response to March 12, 2004.

Applicants respectfully request reconsideration of this application in view of the following amendments and remarks.

Please amend the above-identified application as follows:

**Amendment to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

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01 FC:1202 90.00 DA